

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 143 be amended to read as follows:

- 1 Page 19, between lines 4 and 5, begin a new paragraph and insert:
- 2 "SECTION 33. IC 34-20.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2008]:
- 5 **ARTICLE 20.5. CAUSES OF ACTION: HAZARDOUS**
- 6 **SUBSTANCES**
- 7 **Chapter 1. Application**
- 8 **Sec. 1. This article applies only to a person who:**
- 9 **(1) manufactures;**
- 10 **(2) imports; or**
- 11 **(3) is a wholesaler of;**
- 12 **a hazardous substance.**
- 13 **Sec. 2. This article does not apply to a hazardous substance:**
- 14 **(1) sold to a consumer; or**
- 15 **(2) used;**
- 16 **if more than ten (10) years have elapsed since the delivery of the**
- 17 **hazardous substance to the initial user or consumer.**
- 18 **Chapter 2. Definitions**
- 19 **Sec. 1. As used in this article, "hazardous substance" means a**
- 20 **consumer product (as defined by IC 16-18-2-69.2) that is described**
- 21 **in IC 16-41-39.4-7(c)(1) or IC 16-41-39.4-7(c)(2).**
- 22 **Chapter 3. Liability**
- 23 **Sec. 1. A consumer or user who is injured by a hazardous**

- 1 substance may bring an action in tort against one (1) or more  
2 persons described in IC 34-20.5-1-1.
- 3 **Sec. 2. A person described in IC 34-20.5-1-1 is strictly liable in**  
4 **tort for any injury sustained by a consumer or user that is**  
5 **proximately caused by the hazardous substance.**
- 6 **Sec. 3. If an action is brought against more than one (1) person**  
7 **described in IC 34-20.5-1-1, the persons are jointly and severally**  
8 **liable for any injury sustained by the consumer or user."**
- 9 Page 19, delete lines 17 through 22.
- 10 Renumber all SECTIONS consecutively.  
(Reference is to ESB 143 as printed February 22, 2008.)

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Representative VanDenburgh